

REMARKS

In response to the Office Action of March 31, 2003, Applicants have carefully considered the rejections of the Examiner in the above-identified application. In light of this consideration, Applicants believe that the claims remain allowable. Applicants respectfully request reconsideration of the rejection of the claims now pending in the application.

In this first Office Action of March 31, 2003, claims 1-3, 9, 13, and 14, are provisionally rejected under the judicially created doctrine of obviousness-type double patenting over co-pending patent 09/362,022. Claims 1-3, 9, 13, and 14 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,555,557, to Mailloux (hereinafter Mailloux). Claims 4-8, 10-12, and 15-17 are rejected under 35 U.S.C. §103(a) as being obvious over Mailloux and further in view of the Applicants' cited well-known art.

Attached please find a terminal disclaimer to overcome the provisional rejection as to judicially created doctrine of obviousness-type double patenting over co-pending patent 09/362,021. While the Applicants strongly disagree that an image and a halftone cell are similar (or an image and a font, or a halftone cell and a font for that matter), given that both applications were submitted on the same day and that both applications are commonly owned by the Xerox Corporation, to argue appears to be a moot exercise.

The Examiner has rejected claims 1-3, 9, 13, and 14 as being anticipated by Mailloux. Mailloux discloses a method to enable the conversion of binary image data originally generated at a first resolution into representative binary image data of an integer-value magnified resolution. Included within the resolution conversion method are methods which tend to smooth transitional edges, compensate for the conversion of an image optimized for write-black

printing system to a write-white printing system, and improve the rendition of graphics images and reverse printing. Essentially, Mailloux teaches increasing the data resolution for a given image. There is nowhere in Mailloux any mention of the problem of "slow toner" or line shrinkage, or halo and white gap artifacts. Particularly as exacerbated by higher print system speeds and throughput. Most importantly there is no mention anywhere in Mailloux of "non-printing" or auxiliary pixels.

Mailloux does employ a center parent pixel to generate magnified output pixels. All of which are intended to print. All of which have a hard zero or one binary state. These magnified output pixels are NOT analogous to the Applicants' auxiliary pixel. Auxiliary pixels are one-for-one substitutions into the image bitmap that do not print, and do not effect a hard binary, off-on, zero or one, state of charge. They represent that point where a pixel of relative under-developed charge is to be placed. Such an auxiliary pixel will by proper placement manipulate the electric field on a substrate such that exemplary control of the toner cloud is provided at high system speeds and throughput. Mailloux neither contemplates, nor teaches, any of this.

A §102 "anticipation" rejection requires that a single reference teach (i.e., identically describe) each and every element of the rejected claim. That is, §102 anticipation requires that all of the elements and limitations of the claim are found within a single prior art reference. That is the unequivocal current and controlling view of the Federal Circuit. Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 U.S.P.Q. 193, 198 (Fed. Cir. 1983); Atlas Powder v. E. I. DuPont, 750 F. 2d 1569, 224 U.S.P.Q. 409 (Fed. Cir. 1984); Jamesbury Corp. v. Litton Industrial Products, 756 F.2d 1556, 225 U.S.P.Q. 253 (Fed. Cir. 1985); Carella v. Starlight Archery and Pro Line Co., 804 F.2d 135, 138, 231 U.S.P.Q. 644, 646 (Fed. Cir. 1986); and Davis v. Loesch, 27 U.S.P.Q. 2d 1440, 1445

(Fed. Cir. 1993), citing Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir.), cert. denied, 493 U.S. 853 (1989). Rejections under 35 U.S.C. §102 are proper only when the claimed subject matter is identically disclosed or described in the prior art. In other words, to constitute an anticipation, all material elements recited in a claim must be found in one unit of prior art. In re Marshall, 198 U.S.P.Q. 344 (CCPA 1978).

Mailloux fails as a reference to provide for the auxiliary pixel as presently taught and claimed by the applicant. As Mailloux fails to identically disclose or describe the Applicants' claimed subject matter it cannot stand as a 35 U.S.C. §102(b) reference. As Mailloux does not thereby anticipate claims 1-3, 9, 13, and 14, the removal of the rejection for claims 1-3, 9, 13, and 14 is requested.

Allowance of claims 1-3, 9, 13, and 14 are respectfully requested.

Claims 4-8, 10-12, and 15-17 are rejected under 35 U.S.C. §103(a) as being obvious over Mailloux and further in view of the Applicants' cited well-known art. As claims 4-8, 10-12, and 15-17 depend from independent claims believed to be allowable these dependent claims should be allowed as well.

Allowance of claims 4-8, 10-12, and 15-17 are respectfully requested.

It is respectfully submitted that the present set of claims are patentably distinct over the cited references. In the event the Examiner considers personal contact advantageous to the disposition of this case, she is hereby requested to call the undersigned attorney at (585) 423-6918, Rochester, NY.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Christopher D. Wait", written over a horizontal line.

Christopher D. Wait
Attorney for Applicant(s)
Registration No. 43,230
Telephone (585) 423-6918

June 27, 2003
CDW/fsl
Xerox Corporation
Xerox Square 20A
Rochester, New York 14644
Attachment: Corrected FIGS. 1 & 2
Terminal Disclaimer